

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MALAVE GUTIERREZ,

Defendant.

Case No. 22-CR-430-JFH-7

FILED UNDER SEAL

OPINION AND ORDER

Before the Court is a motion for leave to dismiss without prejudice (“Motion”) filed by the United States of America (“Government”). Dkt. No. 126. The Government requests leave to dismiss the indictment [Dkt. No. 33] without prejudice as to Defendant Malave Gutierrez (“Defendant”). *Id.*

Under Fed. R. Crim. P. 48(a), “courts must grant prosecutors leave to dismiss charges unless dismissal is clearly contrary to manifest public interest.” *United States v. Robertson*, 45 F.3d 1423, 1437 n.14 (10th Cir. 1995) (quoting *Rinaldi v. United States*, 434 U.S. 22, 30 (1977)). The Court concludes that dismissal of the charge against Defendant is not contrary to the public interest, nor is it for an improper purpose. The Government’s motion to dismiss should be granted.

IT IS THEREFORE ORDERED that the Government’s motion for leave to dismiss without prejudice [Dkt. No. 126] is GRANTED and the Indictment [Dkt. No. 33] is dismissed without prejudice as to Defendant Malave Gutierrez.

Dated this 11th day of April 2023.


JOHN F. HEIL, III
UNITED STATES DISTRICT JUDGE